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*Attorneys for Defendant
Platinum Optics Technology Inc.*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VIAVI SOLUTIONS INC.,

Plaintiff,

v.

PLATINUM OPTICS TECHNOLOGY INC.,

Defendant.

CASE NO. 5:21-CV-06655-EJD

**DECLARATION OF DAVID S. BLOCH IN
SUPPORT OF PTOT'S ADMINISTRATIVE
MOTION FOR LEAVE TO FILE UNDER
SEAL**

[L.R. 79-5]

1 I, David S. Bloch, declare:

2 1. I am an attorney at law duly licensed to practice before all the Courts of the State of
3 California and the District of Columbia. I am a shareholder at Greenberg Traurig, LLP, counsel of
4 record for Defendant Platinum Optics Technology Inc. I submit this declaration pursuant to Civil Local
5 Rules 7-11 and 79-5, § VII of the Court's Standing Order for Civil Cases, § 14.4 of the Court's Model
6 Protective Order for Litigation Involving Patents, Highly Sensitive Confidential Information, and/or
7 Trade Secrets in support of redacting from the public record certain information disclosed in the
8 Declaration of Confidential Nonparty in Support of PTOT's prior administrative motion (ECF 88).

9 2. PTOT seeks to seal references to a particular company with which the parties shared
10 business relationship. This relationship is not publicly known. Both parties (and the confidential
11 nonparty) view the identity of the company as confidential, and the fact of this shared business
12 relationship could give competitors an unfair competitive advantage, thus resulting in significant injury
13 to Viavi, PTOT, and the third party. Disclosure of this confidential information could give competitors
14 an unfair competitive advantage and could thus result in significant injury to all three. *Intel Corp. v. VIA*
15 *Techs., Inc.*, 198 F.R.D. 525, 531 (N.D. Cal. 2000) ("Even a seemingly insignificant risk of disclosure
16 cannot be ignored due to the threat of significant potential injury."); *Van v. Language Line Servs., Inc.*,
17 2016 U.S. Dist. LEXIS 85620 at *2 (N.D. Cal. June 30, 2016) (sealing "the identities of Defendants'
18 clients"). The parties have consistently sought to seal this information, and the Court has consistently
19 agreed that this information is properly subject to sealing. *See, e.g.*, ECFs 24, 25, 63, 76, 77, 95.

20 4. **Exhibit A** is a true and correct copy of the REDACTED version of the Declaration of
21 Confidential Nonparty in Support of PTOT's Administrative Motion to File under Seal, which is being
22 filed on the public record. **Exhibit B** is an UNREDACTED version of the same document, which PTOT
23 is seeking leave to file under seal. Both parties (and the relevant confidential nonparty) have designated
24 the sealed information in this document under the protective order for the reasons set forth herein.

25 I declare under penalty of perjury under the laws of the United States of America that the foregoing
26 is true and correct. Executed in Tiburon, California, on November 11, 2022.

/s/ David S. Bloch
David S. Bloch

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